

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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SUSAN GARVEY,

Plaintiff(s),

-against-

JULES ABADI,

Defendant(s),
-----X

Index No.:

Date Filed:

SUMMONS

Plaintiff designates
NEW YORK County as the
place of trial.

The basis of venue is:
Plaintiff's residence

Plaintiff resides at:
411 West 24th Street
New York, N.Y. 10011
County of New York

To the above named Defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: GREAT NECK, NY
May 17, 2007

THE YANKOWITZ LAW FIRM, P.C.

JACK A. YANKOWITZ
Attorneys for Plaintiff
SUSAN GARVEY
175 East Shore Road
Great Neck, NY 11023
(516) 622-6200
Our File No. 6906-06

DEFENDANT'S ADDRESS:

JULES ABADI
301 East 79th Street, Apt. 19
New York, NY 10021

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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SUSAN GARVEY,

Index No.:

Plaintiff(s),

VERIFIED COMPLAINT

-against-

JULES ABADI,

Defendant(s),

-----X

Plaintiff, by her attorneys, **THE YANKOWITZ LAW FIRM, P.C.**, complaining of the Defendant, respectfully alleges, upon information and belief, as follows:

1. At all times herein mentioned, Plaintiff was, and still is, a resident of the County of New York, State of New York.
2. At all times herein mentioned, Defendant, **JULES ABADI**, was, and still is, a resident of the County of New York, State of New York.

3. At all times herein mentioned, Defendant, **JULES ABADI**, was the owner of a boat.

4. At all times herein mentioned, Defendant, **JULES ABADI**, docked said boat at The Miami Beach Marina, 300 Alton Road, Miami Beach, Florida 33139.

5. On October 3, 2006, Defendant, **JULES ABADI**, operated the aforesaid boat at and/or near the south end inner breakwater at the entrance to the Miami Beach Marina.

6. At all times hereinafter mentioned, Defendant, **JULES ABADI**, managed the aforesaid boat at the aforesaid location.

5. At all times hereinafter mentioned, Defendant, **JULES ABADI**, controlled the aforesaid boat at the aforesaid location.

6. On October 1, 2006, Plaintiff, **SUSAN GARVEY**, was a passenger in the aforementioned boat.

7. That on October 1, 2006, at the aforementioned location, the Defendant operated his aforesaid boat in a careless, reckless and negligent manner causing said boat to strike and collide into a concrete jetty located thereat.

8. That as a result of the aforesaid contact, Plaintiff, **SUSAN GARVEY**, was seriously injured.

9. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendant without any fault or negligence on the part of the Plaintiff contributing thereto.

10. That by reason of the foregoing, Plaintiff, **SUSAN GARVEY**, sustained severe permanent personal injuries; and Plaintiff, **SUSAN GARVEY**, was otherwise damaged.

11. That this action falls within one or more of the exceptions set forth in CPLR §1602.

12. That by reason of the foregoing and the negligence of the Defendant, the Plaintiff sustained serious, severe, and permanent injuries will continue to suffer for some time, great physical and mental pain and serious bodily injury; became sick, sore, lame, disfigured and disabled.

13. That by reason of the foregoing and the negligence of the Defendant, the Plaintiff, **SUSAN GARVEY**, is informed and verily believes her aforesaid injuries are permanent and she will permanently suffer from the effects of her aforesaid injuries and she will be caused to suffer permanent embarrassment and continuous pain and inconvenience.

14. That by reason of the foregoing, the Plaintiff, **SUSAN GARVEY**, was compelled and did necessarily require medical aid and attention and did necessarily pay and become liable therefore, for medicines and upon information and belief, the Plaintiff, **SUSAN GARVEY**, will necessarily incur similar expenses.

15. That by reason of the foregoing, the Plaintiff, **SUSAN GARVEY**, has been unable to attend to her usual occupation and avocation in the manner required.

16. That by reason of the culpable conduct and wrongful, negligent and unlawful actions of the Defendant, as aforesaid, the Plaintiff, **SUSAN GARVEY**, was severely injured, bruised and wounded, suffered, still suffers, and will continue to suffer for some time great physical pain and great bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.

17. That by reason of the foregoing, Plaintiff, **SUSAN GARVEY**, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff, **SUSAN GARVEY**, demands judgment against the Defendant in the amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction,

together with costs and disbursements of this action.

Dated: Great Neck, NY
May 17, 2007

Yours, etc.

THE YANKOWITZ LAW FIRM, P.C.

JACK A. YANKOWITZ
Attorneys for Plaintiff
SUSAN GARVEY
175 East Shore Road
Great Neck, NY 11023
(516) 622-6200
Our File No. 6906-06

ATTORNEY'S VERIFICATION

JACK A. YANKOWITZ, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at THE YANKOWITZ LAW FIRM, P.C., attorneys of record for Plaintiff(s), SUSAN GARVEY. I have read the annexed

COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff is that Plaintiff is not presently in the county wherein the attorneys for the plaintiff maintain their offices.

Dated: Great Neck, NY
May 17, 2007

JACK A. YANKOWITZ